

REMARKS

The Office Action mailed June 20, 2008 has been received and reviewed. Claims 1, 3-9, 28-31 are in the case. Claims 1, 3-9, 28-31 stand rejected under 35 U.S.C. § 103(a).

By this paper, claims 1, 4, 5, 7-9, and 30-31 have been amended and claims 28 and 29 have been canceled. For the reasons set forth below, claims 1, 3-9, 30, and 31 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Statement of Substance of Interview

Applicant expresses appreciation for the personal interview granted July 10, 2008 by the examiner. During the interview, counsel for Applicant discussed with the examiner the nature of Applicant's invention and the structural differences between Applicant's invention and the cited art. Counsel explained the advantages provided by Applicant's invention over the invention of Nakamura. Various possible amendments to the claims were discussed. The examiner suggested that Applicant amend to include more of the structural differences discussed. Accordingly, Applicant submits the foregoing amendments for consideration.

Rejection of Claims 1, 3-9, and 30 Under 35 U.S.C. §103(a)

Claims 1, 3-9, 30, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Franke et al and Applicant's Admitted Prior Art (AAPA). However, to establish a *prima facie* case of obviousness, the Office Action must provide clear articulation of the reason(s) why the claimed invention would have been obvious. *See* MPEP 2143. With respect to Applicant's newly amended claims, the Office Action does not meet this test.

Specifically, in view of the personal interview, Applicant has amended the claims to more clearly recite the novel features of the Applicant's invention. Applicant asserts that the newly amended claims are in condition for immediate allowance. Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 22 day of September, 2008.

Respectfully submitted,



A. John Pate, Reg. No. 36,234
Warren M. Pate, Reg. No. 54,364
Attorneys for Applicant

Date: September 22, 2008

PATE PIERCE & BAIRD
175 South Main Street, Suite 1250
Salt Lake City, Utah 84111
Telephone: (801) 530-0330
Facsimile: (801) 530-5955

2983-2-1 PAT-FIL-ROA3.wpd